



W.P(MD)No.14958 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.14958 of 2024

and

WMP(MD)No.13115 of 2024

S.Natarajan

... Petitioner

vs.

1.The Deputy Inspector General Of Registration,
Tirunelveli District,
Tirunelveli.

2.The District Registrar,
Office of the District Registrar,
Joint 2,Marthandam,
Kanyakumari District.

3. Kanakaraj

4. Seema

5. Pravin

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the impugned order dated 26.12.2023 vide Na.Ka.No.6835/O/2023 passed by the 1st respondent and to quash the same as illegal and erroneous and consequently, to direct the 1st respondent to reconsider the appeal as filed by the petitioner within a time frame as fixed by this Court.



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For Petitioner

: Mr.T.Jeen Joseph

For R1 & R2

: Mr.S.Saji Bino

Special Government Pleader

For R4 & R5

: Mr.S.Sankar

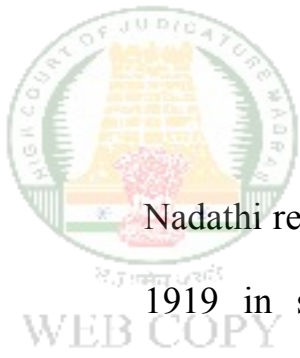
ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order dated 26.12.2023 vide Na.Ka.No.6835/O/2023 passed by the 1st respondent and consequently, to direct the 1st respondent to reconsider the appeal as filed by the petitioner within a time frame as fixed by this Court.

2.Through the impugned order, the official respondents have rejected the appeal stating that the appeal is filed beyond the period of limitation.

3.The petitioner had submitted a petition to declare the document, ie., the settlement deed in favour of the 4th respondent, as fraudulent.

4.The brief facts are that the petitioner purchased the property situated at Pacode B Village, Vilavancode Taluk, Kanyakumari District, in joint patta No.9287 and individual patta No.10645 measuring 26 cents from one P.K. Somasekaran in the year 2013. Originally, in the year 1919, one Chellamma



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Nadathi registered a sale deed in favour of Perumakutti Nadar in Doc.No.6089 of 1919 in survey No.327 measuring 53 cents. In the year 1952, the said Perumakutti Nadar purchased the adjacent land to the extent of 11 ¼ cents in Doc.No.3269 of 1952 thereby he was in possession of 64 ¼ cents. In the year 1985, the said Perumakutti Nadar executed a gift deed in favour of second wife's two sons Somasekaran and Vijayakumar to an extent of 26 cents in Doc.No.2117 of 1985. On knowing this, Perumakutti Nadar's 1st wife's sons Thankarajan and Kanagaraj were not allowing the 2nd wife's sons to take possession. Hence, the said Somasekaran and Vijayakumar filed a suit in O.S.No.288 of 1988 for declaration and permanent injunction and the same ended in their favour. Thereafter, they filed a execution petition before the Sub Court, Kuzhithurai and took possession and enjoyment of the same. In the year 2006, the said Vijayakumar executed a sale deed in his brother's name, in Doc.No.2720 of 2006 on the file of Sub Registrar, Joint II Marthandam. Hence, the total extent of 26 cents were in possession of the said Somasekaran.

5.On 25.04.2013, the said Somasekaran executed a sale deed in favour of the petitioner in Doc.No.910 of 2013. While that being so, in the year 2021, a false and fake settlement deed came into existence in favour of 4th respondent namely, Seema without any documentary evidence. Hence, the petitioner submitted a representation dated 09.09.2021 to the 2nd respondent to



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cancel the fake deed. However, the same was rejected vide order, dated 29.05.2023. The petitioner submitted an appeal on 04.07.2023. Through the impugned order, the appeal was rejected on the question of limitation. Hence, the writ petition.

6. Even though the petitioner is raising the limitation issue in the present writ petition, the main issue raised by the writ petitioner is to cancel the settlement deed in Doc.No.1693 of 2021. The said application is submitted under Section 77A of the Registration Act. Since the said section was struck down by the Hon'ble Division Bench of this Court, the official respondents cannot conduct any enquiry or entertain any appeal. In fact, the order, dated 29.05.2023, itself is passed without any jurisdiction.

7. Therefore, the appropriate remedy to the petitioner is to approach the competent Civil Court. Both the orders, dated 29.05.2023 and 26.12.2023 are passed without jurisdiction. Hence, both the orders are non-est in the eye of law. The petitioner is at liberty to approach the competent Civil Court at the earliest, if so advised.

8. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous



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petition is closed.

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08.08.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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To

1.The Deputy Inspector General Of Registration,
Tirunelveli District,
Tirunelveli.

2.The District Registrar,
Office of the District Registrar,
Joint 2,Marthandam,
Kanyakumari District



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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.14958 of 2024**

DATED : 08.08.2025